

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
May 21, 2002

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, May 21, 2002, in the Board Room, York Hall, by Chairman Donald E. Wiggins.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Mr. Bill Parker, York County Public Information Officer, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Wiggins led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. John Mazur, Assistant Resident Engineer, Virginia Department of Transportation, (VDOT) appeared to discuss highway matters of interest to the Board of Supervisors. Mr. Mazur gave an update on the surface asphalt project on Route 17. He mentioned the Notice of Willingness for Public Hearing for Lakeside Drive that was advertised in the newspaper, and explained if citizens wanted more information on the project or desired a public hearing, they could make their request to VDOT by June 6.

Mr. Burgett followed up on the drainage problem in the area of Barcroft and Summerset Drive. He reported the potential hazards at the intersection of Lakeside Drive and Showalter Road, stating it was reported that cars swerve into oncoming traffic in an effort to pass vehicles turning onto Showalter Road. He asked Mr. Mazur to look into this problem.

Mr. Mazur stated VDOT did follow up on the request in the Barcroft area but did not find any drainage problems at the time the site was visited. He stated he would look into the matter on Lakeside Drive.

Mr. Shepperd reported on drainage problems in the Mill Crossing area and stated there were several houses affected by this drainage problem. He also mentioned the problems with water backing up in the Shackelford and Calthrop Neck Road areas.

Mrs. Noll pointed out that reflectors are missing on a portion of Route 17 near an island adjacent to Route 171. She asked that the reflectors be replaced with white reflectors in lieu of yellow reflectors. She also noted that the bushes have been removed from the median on Route 17 near York High School. She suggested that more bushes be planted rather than guardrails.

Mr. Mazur stated VDOT's Environmental Section was looking into alternatives in that area.

Mr. Zarembo mentioned the newspaper article entitled "State Puts Breaks On Road Projects" and the undecided term used for the Ft. Eustis Road expansion to Seaford. He asked if that was accurate.

Mr. Mazur explained that due to the rail crossing, the railroad required VDOT to have a grade-separated crossing. He further explained that this was not found out until they met with the railroad representatives. The options are phasing the project into different sections with the crossing to be completed at a later date. He indicated he was not aware of the project being scraped, that Secondary Road Funds and STP funds had been allocated for the project.

Chairman Wiggins reported on the drainage problems in the Seaford area, specifically Sharon Drive and Seaford Road. He stated the water stands in those areas, and he encouraged VDOT to look into the problems areas. He then encouraged citizens to stop putting leaves in the ditches.

PRESENTATIONS

STUDENT LOCAL GOVERNMENT PROGRAM

Mr. William C. Parker, York County Public Information Officer, explained that the Month of May was Student Local Government Month. He reviewed some of the activities taking place in the school system and introduced the student shadows present this evening who participated in the Student Local Government Program:

| | |
|---------------------|---------------------|
| Matt Curtin | Bruton High School |
| Keegan Kline | Bruton High School |
| Katherine Watterman | Bruton High School |
| Gina DiMattia | Bruton High School |
| Alexander Miller | Grafton High School |
| Natalie Lee | Grafton High School |
| Andrew Robinson | Grafton High School |
| Lisa Deasy | York High School |
| Evan Portelos | York High School |
| Kirby Taylor Smith | York High School |
| Casey McCaskill | York High School |

EMPLOYEE RECOGNITION PROGRAM

Ms. Anne Thomas, Commissioner of the Revenue, appeared to honor and thank Vivian Smoot for her thirty-five years of service to the County. Ms. Smoot will receive a Shadow Box at a later date to commend her for her years of service to the County.

YORK COUNTY TREASURER

Ms. Deborah Robinson, Treasurer, appeared before the Board to make a presentation on the activities of the Treasurer's Office. Her report focused on the payment options available to the citizens of the County, which include cash, checks, money orders, mail, drop box, and credit cards. The report also focused on the new on-line payment option that includes electronic checks, or a pre-authorized, automatic debit from a checking account.

YORK COUNTY COMMISSIONER OF THE REVENUE

Ms. Anne Thomas, Commissioner of the Revenue, appeared before the Board to make a presentation on the activities of the Commissioner's Office. She began her presentation by recognizing and thanking her staff for their excellent support. Ms. Thomas then focused on current and future services in the Commissioner's office, which include new electronic forms for filing of taxes, applications for new businesses, zoning applications for commercial or home-based businesses, and Tax Relief for Elderly and Disabled forms.

MOSQUITO CONTROL PROGRAM

Mr. Tom Gallagher, Department of Environmental and Development Services, appeared to make a presentation on the County's Mosquito Control Program. He explained the County's

vision on mosquito control that included mosquito management, treating area drainage ways, and the effects of the County's year-round treatment control. He mentioned the County works in conjunction with the Air Force for aerial spraying. He discussed the concerns of the West Nile Virus and signs by which to identify the virus. He then gave out larvicide pamphlets to the Board members.

Meeting Recessed. At 8:11 p.m. Chairman Wiggins declared a short recess.

Meeting Reconvened. At 8:21 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

DRAINAGE AND UTILITY EASEMENT VACATION

Mr. James Barnett made a presentation on proposed Resolution R02-105 to authorize the execution of a deed vacating a portion of drainage and utility easement across property of Busch Properties, Inc.

Chairman Wiggins called to order a public hearing on proposed Resolution R02-105 which was duly advertised as required by law and is entitled:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A DEED VACATING A PORTION OF A DRAINAGE
AND UTILITY EASEMENT ACROSS PROPERTY OF BUSCH PROP-
ERTIES, INC.

There being no one present who wished to speak concerning the subject Resolution, Chairman Wiggins closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R02-105 which reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A DEED VACATING A PORTION OF A DRAINAGE
AND UTILITY EASEMENT ACROSS PROPERTY OF BUSCH PROP-
ERTIES, INC.

WHEREAS, by a deed dated August 21, 1990, and recorded in the Clerk's Office of the Circuit Court for the County of York, Virginia, in Deed Book 594, page 350-A, the County acquired a 20' wide drainage and utility easement across property now owned by Busch Properties, Inc. (identified as York County Tax Map Parcel 11-4-3); and

WHEREAS, it has been discovered that the utility facilities for which the easement was acquired were constructed, in part, outside of the easement; and

WHEREAS, Busch Properties, Inc. has agreed to dedicate an appropriately relocated easement in exchange for a vacation of that portion of the existing easement which will be rendered superfluous by reason of the dedication.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of May, 2002, that the County Administrator is hereby authorized to execute a deed, such deed to be approved as to form by the County Attorney, vacating that portion of an existing drainage and utility easement created by a deed recorded in Deed Book 594, page 350-A and lying across property identified as York County Tax Map Parcel 11-4-3, as such portion of an easement is shown on a certain plat of Michael Surveying & Mapping, P.C. dated April 15, 2002, and entitled "Easement Realignment Plat Property of Busch Properties, Inc., Whittakers Mill Collector Sanitary Sewer System," provided that Busch Properties, Inc. shall simultaneously convey to the County a drainage and utility easement as is shown on the referenced plat.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins,
Nay: (0)

SEWER LINE EASEMENT VACATION

Mr. Barnett made a presentation on proposed Resolution R02-95 to authorize the execution of a deed vacating a portion of a sewer line easement across property of Virginia Electric and Power Company.

Chairman Wiggins called to order a public hearing on proposed Resolution R02-95 which was duly advertised as required by law and is entitled:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AN EASEMENT VACATION DEED VACATING A
PORTION OF A SEWER LINE EASEMENT ACROSS PROPERTY
OF VIRGINIA ELECTRIC AND POWER COMPANY

There being no one present who wished to speak concerning the subject resolution, Chairman Wiggins closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R02-95 which reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AN EASEMENT VACATION DEED VACATING A
PORTION OF A SEWER LINE EASEMENT ACROSS PROPERTY
OF VIRGINIA ELECTRIC AND POWER COMPANY

WHEREAS, by a deed recorded in the Clerk's Office of the Circuit Court for the County of York, Virginia, in Deed Book 967, page 844, Virginia Electric and Power Company (Vepco) dedicated to the County a 20' wide sewer easement across property owned by Vepco and identified as York County Tax Map Parcel 24-204; and

WHEREAS, Vepco has requested that the County vacate a portion of the sewer easement in order to accommodate the construction of desired improvements on Vepco's property; and

WHEREAS, following a duly advertised public hearing, this Board has determined that it is in the public's interest to vacate a portion of the above-referenced easement, provided that Vepco shall dedicate to the County an additional sewer easement so that a sewer line may be suitably relocated.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of May, 2002, that the County Administrator is hereby authorized to execute a deed vacating a portion of that sewer easement previously conveyed to the County by an instrument recorded in Deed Book 967, page 844, identified as "Easement Lines to be Vacate" from a plat entitled "Plan Showing Re-Alignment of 20' Sanitary Sewer Easement, Virginia Power to the County of York," which is attached to the County Attorney's Report to this Board of April 24, 2002, provided that such easement vacation deed shall be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins,
Nay: (0)

CITIZENS COMMENT PERIOD

Ms. Paula Nemergut, 103 Rich Road, appeared on behalf of the residents of Rich Road concerning the new Wal-Mart on Route 17. She stated that the pond that was previously put in by Wal-Mart had subsequently been filled in, which would allow water to run onto the adjacent residential properties. She asked the Board to look into her concerns.

Mr. Don Vellines, 104 Greenwood Drive, spoke on the safety issues of pedestrian traffic in the Queens Lake subdivision, specifically the pedestrian traffic that crosses a bridge over Interstate 64. He stated that joggers, bicyclists, and young children traveling to and from the playground of Queens Lake Intermediate School used the bridge, and there is no room for both the pedestrians and vehicles in this area; and he feared a tragic accident could occur. He then submitted a package to the Board with suggestions and asked the Board look into the matter to help protect its citizens.

Mr. James Riggins, 415 Middle Road, appeared before the Board to report on the shallow water management area proposed by the Virginia Marine Resources Commission. He stated it would encompass the area of Goodwin Island in the York River and Claxton Creek in the Seaford area. He explained the permanent sanctuary encompassed approximately 18 miles of area that is considered the main crabbing grounds for York County crabbers. He felt this would put a hardship on the County's fishermen and could result in a loss of income.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett stated a response from the Attorney General's office was received regarding the ordinance on political signs upholding the County's ordinance that states the signs have to be removed within seven days after an election. He stated he has assigned his law clerk to further research the matter.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds stated the County had received VDOT approval for the model commercial vehicle ordinance, and a draft copy was included in the Board's materials. He asked the Board members to notify him of any proposed changes and a date when they felt a public hearing should be scheduled. He then explained an update on the VDOT road projects for the Six-Year Plan, which was also included in the Board's package. He reminded the Board of its next regularly scheduled meeting on June 4 which would be followed by a work session on June 11 to review the proposed changes to the Erosion and Sediment Control, and also Water and Sewer Ordinances. He then recommended that a work session be held on June 25 to discuss some of the proposed changes to the Zoning Ordinance.

Mr. Burgett stated he felt the Board was familiar with the proposed ordinance on commercial vehicle parking and asked that it be added to the agenda for the June 4 meeting.

By consensus, the Board directed that the commercial vehicle parking ordinance be scheduled for a public hearing on the June 4 agenda.

MATTERS PRESENTED BY THE BOARD

Mr. Burgett stated he had attended the Right Choices for Youth Program luncheon and forum held May 10 that included many community and government leaders, noting he felt it was a great program. He described the Industrial Development Authority's Business Appreciation event held at the Watermen's Museum as an outstanding function. He indicated he spoke to the York Ruritans and thanked the club for its contributions to the County. He mentioned that the Senior Prom would be held at Tabb High School on May 25.

Mrs. Noll congratulated Nancy Laurier from the Watermen's Museum on a very successful Heritage Day at the museum. She felt the day was of great importance to the citizens of the County since it depicted the County's heritage of watermen. She also noted she had talked to

some of the children who participate in the schools' Extend Program from Coventry and Bethel Manor Elementary Schools.

Mr. Zaremba read and commented on an article from "The Last Word" in the Virginia Gazette concerning the cruise boats that stop in Yorktown. He pointed out that the County should make every effort to guide the tourists to the local attractions. He felt the County had a major stake in the tourist industry, but the opportunity was missed to direct the tourists to the local attractions. He hoped the County could capitalize on some of the cruise ship visitors to the area.

Mr. Shepperd mentioned the Celebrate Yorktown Committee had replaced the quilt exhibit and encouraged citizens to visit the current displays of art in the Gallery at York Hall.

Chairman Wiggins commented on the boat races held at the Watermen's Museum, stating it was a great event; and he participated in the judging of the boating events. He spoke of the local fisherman in the area and their efforts to make a living on the water while being affected by pollution of the waterways. He stated the County needed to look after the watermen.

CONSENT CALENDAR

Mr. Shepperd asked that Item Nos. 4 and 5 be removed from the Consent Calendar.

Mr. Zaremba asked that Item No. 7 be removed from the Consent Calendar.

Mr. Burgett then moved the Consent Calendar be approved as amended, Item Nos. 3, 6, 8, 9 and 10 respectively.

On roll call the vote was:

| | | |
|------|-----|---|
| Yea: | (5) | Burgett, Shepperd, Zaremba, Noll, Wiggins |
| Nay: | (0) | |

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 3. APPROVAL OF MINUTES

The minutes of the following meeting of the York county Board of supervisors was approved:

April 16, 2002, Regular Meeting

Item No. 6. COMMENDATION OF THE 2001-2002 YOUTH COMMISSION: Resolution R02-94.

A RESOLUTION TO COMMEND THE 2001-2002 YORK COUNTY
YOUTH COMMISSION AND TO EXPRESS THE APPRECIATION
OF THE BOARD OF SUPERVISORS TO EACH INDIVIDUAL
MEMBER FOR THEIR DEDICATED SERVICE TO YORK COUNTY

WHEREAS, the Board of Supervisors established the York County Youth Commission in 1983; and

WHEREAS, the following youth,

Ryan Touhill, Chairman
Tara Smiddy, Vice Chairman
Lindsay Jones, Secretary
Arrion Dennis
Brian Dowis
Chris Fairman
Alexandra Hanson

David Horres
Alex Horsley
Amy Loveless
Ben McFarlane
LeeAnn Merritt
James Noel
Chrissy Pinnell
Shamus Williams

have served with distinction on the 2001-2002 York County Youth Commission; and

WHEREAS, the Board of Supervisors is extremely pleased with the worthwhile activities undertaken by the Youth Commission this past year and wishes to publicly recognize the members for their accomplishments, which include:

Preparing for the year by attending training and teambuilding sessions during a two-day orientation period;

Presenting quarterly activity reports to the Board of Supervisors;

Distributing American flags and brochures during the 2001 Yorktown Day Celebration;

Co-sponsoring the County's second annual Youth Week event focusing on character development and featuring a nationally known youth speaker who addressed high school students in assemblies and spoke with parents at two evening community meetings;

Assisting the Historical Committee with the 2001 Christmas Tree-Lighting Ceremony in Yorktown;

Voting unanimously to join with Parks and Recreation and the Victory Family YMCA to form a coalition for the State's Right Choices for Youth program, a research-based initiative dedicated to helping youth make healthy lifestyle decisions by abstaining from alcohol, tobacco, drugs, sex, and violence;

Sponsoring the second annual countywide high school ski trip to Wintergreen Ski Resort in January, almost doubling the number of students attending last year and enabling most participants to save almost \$25 compared with the 2001 trip;

Hosting an afternoon of "Valentine Bingo" at the Senior Center of York, providing prizes and refreshments that were enjoyed by the young and young-at-heart alike;

Responding to student requests by holding a countywide 7th and 8th grade dance and games in February that was attended by almost 380 students; sending six commissioners and three adults in March to the State Right Choices for Youth Conference, held in Chantilly, Virginia, and attended by hundreds of students and adult representatives from across the state;

Setting the tone at the Right Choices Conference by holding the first student panel discussion of the day, hosted by three York County Youth Commissioners who presented questions for the morning keynote speaker, earning them heartfelt respect and gratitude from the event's organizers;

Assisting the Historical Committee in its welcoming reception for the 2002 exchange students from the County's sister city of Zweibrücken, Germany, and welcoming the delegation on behalf of York County's youth;

Co-sponsoring the annual Outstanding Youth Awards program with the Board of Supervisors and honoring the award recipients with a reception and formal presentation in May;

Conducting Saturday morning road cleanups along Goodwin Neck Road again this year as part of VDOT's "Adopt-a-Highway" program;

Consulting with the agency that produced the County's new logo and contracting with them to produce necessary enhancements and revisions to the Youth Commission's student designed logo for use in increasing the commission's visibility and effectiveness for the county's youth;

Co-sponsoring, as one of Virginia's 2002 Right Choices for Youth Communities, a Community Forum and Luncheon to help inform community leaders about this important program;

Completing the most sweeping revisions to the Youth Commission's Internet Web site in two years, designed by students and for students;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors on this the 21st day of May, 2002, that the 2001-2002 York County Youth Commission members be, and they hereby are, congratulated for their dedicated service to York County and commended for an outstanding year;

BE IT STILL FURTHER RESOLVED that the York County Board of Supervisors hereby extends its best wishes for continued success to these leaders of today and tomorrow.

Item No. 8. PUBLIC WATER EXTENSION AGREEMENT: RANGER RICK'S DRIVING RANGE: Resolution R02-101.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S PUBLIC WATER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS RANGER RICK'S DRIVING RANGE, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC WATER EXTENSION AGREEMENT

WHEREAS, Williamsburg Pottery Factory, Inc. has requested that the County enter into a public water extension agreement pursuant to § 22-88 (b) of the York County Code to serve a new commercial facility; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public water facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing water system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 22 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$1,850.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of May, 2002, that the Board approves the extension of the County's public water system to serve the proposed development, Ranger Rick's Driving Range, and that the County Administrator be, and he hereby is, authorized to execute a public water extension agreement with Williamsburg Pottery Factory, Inc. for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 9. STREET ACCEPTANCE: THE GREENLANDS, PHASES TWO-A AND TWO-B; Resolution R02-102.

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE STREETS IN THE GREENLANDS, PHASES TWO-A AND TWO-B, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on plats recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 21st day of May, 2002, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of The Greenlands, Phases Two-A and Two-B, and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted May 21, 2002

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A
Secondary Roads Division 5/1/99

Project/Subdivision

The Greenlands, Phases Two-A and Two-B

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Blevins Run, State Route Number 1668

Description: **From:** Route 1659 (Long Green Boulevard)

To: Route 1686 (Kerr Lane)
A distance of: 0.09 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 01/14/2000, Plat Book 13, Pages 80-83, with a width of 50 ft.

Description: **From:** Route 1686 (Kerr Lane)
To: End of cul-de-sac
A distance of: 0.22 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 01/14/2000, Plat Book 13, Pages 80-83, with a width of 50 ft.

Eric Nelson Run, State Route Number 1496

Description: **From:** Route 1686 (Kerr Lane)
To: End of cul-de-sac
A distance of: 0.05 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 07/07/2000, Plat Book 13, Page 159, with a width of 50 ft.

Description: **From:** Route 1686 (Kerr Lane)
To: Route 1665 (Tristen Drive)
A distance of: 0.18 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 07/07/2000, Plat Book 13, Pages 158-159, with a width of 50 ft.

Hilda Hollow, State Route Number 1497

Description: **From:** Route 1687 (Jara Lane)
To: Route 1698 (Gardenville Drive)
A distance of: 0.12 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 10/31/88, Plat Book 10, Pages 604-605, and on 07/07/2000, Plat Book 13, Page 160, with a width of 50 ft.

Jara Lane, State Route Number 1687

Description: **From:** Route 1686 (Kerr Lane)
To: Route 1497 (Hilda Hollow)
A distance of: 0.09 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 07/07/2000, Plat Book 13, Pages 159-160, with a width of 50 ft.

Description: **From:** Route 1497 (Hilda Hollow)
To: End of cul-de-sac
A distance of: 0.07 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 07/07/2000, Plat Book 13, Page 160, with a width of 50 ft.

Kerr Lane, State Route Number 1686

Description: **From:** Route 1668 (Blevins Run)
To: Route 1687 (Jara Lane)
A distance of: 0.07 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 01/14/2000, Plat Book 13, Pages 80-83, with a width of 50 ft.

Description: **From:** Route 1687 (Jara Lane)
To: Route 1496 (Eric Nelson Run)
A distance of: 0.06 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 07/07/2000, Plat Book 13, Page 159, with a width of 50 ft.

Item No. 10. STREET ACCEPTANCE: PROSPECT PARK: Resolution R02-103.A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO INCLUDE STREETS IN PROSPECT PARK
INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 21st day of May, 2002, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Prospect Park and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted May 21, 2002

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A
Secondary Roads Division 5/1/99

Project/Subdivision**Prospect Park**

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Fortune Place, State Route Number 1634

Description: **From:** Route 1591 (Hilburne Lane)
 To: Route 1635 (Quest Court)
 A distance of: 0.10 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 10/25/2000, Plat Book 13, Page 191, with a width of 50 ft.

Quest Court, East, State Route Number 1635

Description: **From:** Route 1634 (Fortune Place)
 To: End of cul-de-sac
 A distance of: 0.05 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 10/25/2000, Plat Book 13, Page 191, with a width of 50 ft.

Quest Court, West, State Route Number 1635

Description: **From:** Route 1634 (Fortune Place)
 To: End of cul-de-sac
 A distance of: 0.07 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 10/25/2000, Plat Book 13, Page 191, with a width of 50 ft.

Item No. 4. APPROVAL OF PROCUREMENT ACTION: Proposed Resolution R02-99. (Removed from the Consent Calendar)

Mr. Shepperd noted his concern about the Cary's Chapel Road grinder pump system and his understanding was that there were 18 homes affected by the sewer project. He asked about the four homes that don't have the grinder pump system.

Mr. John Hudgins, Director of Environmental and Development Services, explained it was not a mandatory connection because it was a grinder pump. He stated that four people chose not to hook up.

Mr. Shepperd expressed concern for the four residents who did not want to hook up. He asked if the citizens chose to hook up at a later date, would the connection fee be \$8,000.

Mr. Hudgins stated they would have to pay the \$8,000 in addition to the fee for the grinder pump itself. He explained it was an expensive process, and for those citizens that have refused the service, a letter explaining the consequences had been sent to them.

Mr. Shepperd stated he wanted to identify of the four families so that he could personally contact them and make sure they understand the procedure.

Discussion ensued on grinder pumps in the Cary's Chapel Road area.

Chairman Wiggins asked how the citizens were notified.

Mr. Hudgins stated notification letters were sent out and public hearings were held.

Mr. Shepperd asked if it was too late for these four families to hook up to the sewer.

Mr. Mr. Reynolds stated it was not too late.

Discussion ensued on the sewer.

Mr. Zaremba felt that the necessary information regarding mandatory and non-mandatory hook-ups, criteria, costs, was contained in the read ahead. He stated he did not like to rubber stamp things. He then asked Mr. Barnett for an explanation of why the two proposed contracts were before the Board tonight.

Mr. Barnett stated they were under the Procurement Ordinance that requires Board approval for purchases over \$30,000.

Mr. Zaremba stated he did not like to rubber stamp something when he knew little about what he was approving. He stated he wanted more information than what the Board currently receives. He suggested having a standard format containing elements of information for which the Board can conclude a basis for the contract being selected.

Mr. Shepperd then moved the adoption of proposed Resolution R02-99 which reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE CONTRACTS FOR THE CONSTRUCTION OF CARY'S
CHAPEL GRINDER PROJECT AND THE DESIGN OF THE BACK
CREEK ROAD SANITARY SEWER PROJECT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of May, 2002, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following :

| | |
|--|---------------|
| | <u>AMOUNT</u> |
| Cary's Chapel Grinder Project | \$118,903 |
| Back Creek Road Sanitary Sewer Project | 152,180 |

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins
Nay: (0)

Item No. 5. RENTAL SUBSIDY PROGRAMS/ANNUAL FUNDING RENEWAL: Proposed Resolution R02-100 (Removed from the Consent Calendar)

Mr. Shepperd asked for some clarification on the projected \$1.5 million.

Ms. Anne Smith, Director of Community Services, stated the funds were Federal subsidies that come from the U. S. Department of Housing and Urban Development Authority through Virginia Housing Development Authority. She explained it was a conduit for those Federal funds for localities that choose to operate their own housing functions internally. She mentioned that after the Board material was prepared, they had received information that indicated that the spending authority for the County for the next year would be significantly higher than they had previously been told. She hoped for \$1.8 million in just rental subsidy dollars alone.

Mr. Shepperd questioned why this sort of action would come before the Board. He felt it was one of those actions where it was almost rubber-stamped.

Ms. Smith stated it was a requirement for the Board to act on the program annually.

Mr. Shepperd then moved the adoption of proposed Resolution R02-100 which reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT FUNDING AND CONTINUE TO IMPLEMENT RENTAL SUBSIDY PROGRAMS FUNDED THROUGH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY

WHEREAS, the Board of Supervisors has a long standing commitment to assisting the County's low and moderate income citizens in meeting essential housing needs; and

WHEREAS, the rental subsidy programs funded and administered through the U.S. Department of Housing and Urban Development and the Virginia Housing Development Authority provide annual outside funding that assists eligible County citizens.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of May, 2002, that the County Administrator be, and he is hereby, authorized to accept funding in the amounts offered the County by the Virginia Housing Development Authority (VHDA), execute any necessary grant agreement, contracts of other documents with VHDA and to participate fully in the Section 8 Voucher and Moderate Rehabilitation Rental Subsidy Programs for FY2003, provided that all documents shall be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins,
Nay: (0)

Item No. 7. EMPLOYEE OF THE QUARTER: Proposed Resolution R02-98. (Removed from the Consent Calendar)

Mr. Zaremba asked Mr. McReynolds if something more than just a piece of paper was done for the Employee of the Quarter.

Mr. McReynolds stated an evaluation would soon be made when the Personnel Policies and Procedures were reviewed. He added that recipients were, at one time, invited to the Board meetings and a formal presentation was made. Since a majority of the recipients declined the invitation, it was decided that Employee of the Quarter presentation would be made at a luncheon, reception, or however the department chose to handle the recognition.

Mr. Zaremba then moved the adoption of proposed Resolution R02-98 which reads:

A RESOLUTION TO COMMEND LARRY P. PHILLIPS, DEPUTY ANIMAL CONTROL OFFICER IN THE DEPARTMENT OF FIRE AND LIFE SAFETY AS EMPLOYEE OF THE QUARTER

WHEREAS, Larry P. Phillips has been employed by the Department of Fire and Life Safety since April of 1986 as a Deputy Animal Control Officer; and

WHEREAS, Mr. Phillips is one of only three staff members responsible for the enforcement of state and local animal control protective laws and ordinances to ensure the safety and quality of life of County citizens and visitors; and

WHEREAS, on two occasions the Animal Control Bureau was below full staffing and the management of the bureau became the full responsibility of Mr. Phillips; and

WHEREAS, Mr. Phillips stepped up and assumed responsibilities and duties above and beyond the call of duty; and

WHEREAS, due to his commitment the County and its citizens and his willingness to take on significant additional duties and perform them in a most commendable manner, Animal Control Officer Larry Phillips is recommended for Employee of the Quarter; and

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of May, 2002, that Larry P. Phillips, Deputy Animal Control Officer be and is hereby, congratulated upon his selection as Employee of the Quarter for the quarter ended March 30, 2002.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins,
Nay: (0)

NEW BUSINESS

APPLICATION NO. YVA-14-02, SONIA PURKEY

Mr. Mark Carter, Planning and Zoning Manager, made a presentation on Application No. YVA-14-02 to approve the request of Sonia Purkey for the construction of an addition to a single-family residence located at 226 Nelson Street in Yorktown. He stated staff felt the addition was compatible with the neighborhood and recommended approval of proposed Resolution R02-106.

Chairman Wiggins asked if this proposal complied with the Code and Board approval was needed because it was in Yorktown.

Mr. Carter stated it did.

Mrs. Noll then moved the adoption of proposed Resolution R02-106 which reads:

A RESOLUTION TO APPROVE THE REQUEST OF SONIA PURKEY
FOR THE CONSTRUCTION OF AN ADDITION TO A SINGLE-
FAMILY RESIDENCE LOCATED AT 226 NELSON STREET IN
YORKTOWN

WHEREAS, Sonia Purkey has submitted an application requesting permission to construct an addition to the existing single-family residence located at 226 Nelson Street in Yorktown; and

WHEREAS, pursuant to Section 24.1-327(b)(3) of the York County Zoning Ordinance, such requests may be approved by the Board of Supervisors by resolution; and

WHEREAS, the proposed addition's location and design are compatible with adjacent properties and structures;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of May, 2002, that the request of Sonia Purkey for the construction of a single-story addition to the existing residence located at 226 Nelson Street, as described in the County Administrator's report to the Board dated May 8, 2002, be, and it is hereby, approved.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins,

Nay: (0)

FORT EUSTIS BOULEVARD EXTENSION

Mr. Carter recommended that the Board defer this item since page 2 of the resolution was missing from the Board's agenda book.

By consensus the Board agreed to defer approval of proposed Resolution R02-108 to a later date.

CLOSED MEETING. At 9:49 p.m. Mr. Zaremba moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins
Nay: (0)

Meeting Reconvened. At 10:20 p.m. the meeting was reconvened in open session by order of the Chair.

Ms. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREE-
DOM OF INFORMATION ACT REGARDING MEETING IN CLOSED
MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of May, 2002, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

APPOINTMENTS TO THE PENINSULA DISABILITY SERVICES BOARD

Ms. Noll moved the adoption of proposed Resolution R02-58 which reads:

A RESOLUTION TO APPOINT TWO YORK COUNTY REPRESENTATIVES TO THE PENINSULA DISABILITY SERVICES BOARD

BE IT RESOLVED by the York County Board of Supervisors this 21st day of May, 2002, that Catherine S. Ensley be, and she is hereby, appointed as a York County "floater" representative on the Peninsula Disability Services Board for a term of two years, such term to begin immediately and end March 31, 2004.

BE IT STILL FURTHER RESOLVED, this 21st day of May, 2002, that Jane B. Dickson be, and she is hereby, appointed as the York County citizen consumer representative to the Peninsula Disability Services Board for a period of three years, such term to begin immediately and end March 31, 2005.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins
Nay: (0)

APPOINTMENT TO THE COLONIAL SERVICES BOARD

Mr. Shepperd moved the adoption of proposed Resolution R02-97 which reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE TO THE COLONIAL SERVICES BOARD

BE IT RESOLVED by the York County Board of Supervisors this 21st day of May, 2002, that Don Willis be, and is hereby, appointed as a representative to the Colonial Services Board for a term of three years, such terms to begin June 30, 2002, and expire June 30, 2005.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins
Nay: (0)

APPOINTMENTS TO THE YORK COUNTY YOUTH COMMISSION

Mr. Zaremba moved the adoption of proposed Resolution R02-110 which reads:

A RESOLUTION TO APPOINT MEMBERS FROM ELECTION DISTRICT 1 TO THE YORK COUNTY YOUTH COMMISSION FOR 2002 - 2003

WHEREAS, the York County Board of Supervisors established the York County Youth Commission on March 3, 1983; and

WHEREAS, the revised bylaws of December 5, 2000 direct there shall be up to fifteen individuals appointed, three from each voting district, grades 9 through 12, to serve on the Commission; and

WHEREAS, appointments were made to Districts 2 through 5 on May 7, 2002, and the three appointees to District 1 now have been selected;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors on this 21st day of May, 2002, that the following individuals be, and they hereby are, appointed to the York County Youth Commission for 2002 - 2003 to represent District 1:

Brian Tai

Brittany Wicks

Tatiana Chaterji

May 21, 2002

BE IT FURTHER RESOLVED that the above-named individuals' terms will begin on July 1, 2002, and expire June 30, 2003.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins
Nay: (0)

APPOINTMENTS TO THE YORK COUNTY STORMWATER ADVISORY COMMITTEE

Mr. Burgett moved the adoption of proposed Resolution R02-111 which reads:

A RESOLUTION TO APPOINT CITIZEN MEMBERS TO THE YORK
COUNTY STORMWATER ADVISORY COMMITTEE

WHEREAS, the guidelines for the terms and qualifications for such members are outlined in Board Resolution R02-7(R);

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of May, 2002, that the following individuals be, and they are hereby, appointed as members of the York County Stormwater Advisory Committee:

| | |
|------------|-------------------------------|
| District 2 | Beth Lail Lucien Lafrenaye |
| District 4 | Wayne Stokes |
| At-Large | Helmut Walter |

BE IT FURTHER RESOLVED that such individual appointments are to take effect July 1, 2002, and expire June 30, 2004, upon resignation of the member, or by the pleasure of the Board, whichever comes first; and no member shall serve longer than two consecutive terms.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

YORKTOWN WATERFRONT PARKING

A consensus by the Board concluded that temporary parking on Water Street would be designated for Nick's Seafood Pavilion.

Meeting Adjourned. At 10:35 p.m. Chairman Wiggins declared the meeting adjourned sine.

James O. McReynolds, Clerk
York County Board of Supervisors

Donald E. Wiggins, Chairman
York County Board of Supervisors

